8716819/2024/PTS-I-PRR01

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Panchayat Raj and Rural Development Department - Rules for appointment of Temporary Sarpanch after due examination of the absence of both Sarpanch and the Upa-sarpanch from the jurisdiction of Gram Panchayat for more than fifteen (15) days and/ or duly assessing the incapacity condition of Sarpanch and the Upa-Sarpanch – Notification - Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS-I) DEPARTMENT

**G.O.Ms.No.19** Dated:13/03/2024

Read :-

From the Commissioner, PR & RD remarks in E File No. PRR02-14021(50)/1/2023-D-COMMR PRRD Computer No.1978142 dated 1.9.2023 and 31.1.2024.

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**ORDER:**

In the reference read above, being the competent authority to appoint Temporary Sarpanch under sub-section (3) of section 26 of the Andhra Pradesh Panchayat Raj Act, 1994, the Commissioner, Panchayat Raj and Rural Development, AP has requested the Government to (1) issue necessary instructions/ directions to the District Collector, Palnadu District and (2) to frame necessary Rules enabling the Commissioner, Panchayat Raj to deal with the issues arising while appointing Temporary Sarpanch under section 26 of the Andhra Pradesh Panchayat Raj Act, 1994

2. Accordingly, Government have decided to issue notification to appointment of Temporary Sarpanch, under sub-sections (2) and (3) of section 26 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994).

3. The following notification will be published in Extraordinary issue of Andhra Pradesh Gazettee dated:13-03-2024.

## NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 268 read with sub-section (5) of Section 26 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No.13 of 1994), the Governor of Andhra Pradesh hereby makes the following rules relating to Appointment of Temporary Sarpanch.

## PART-I

1. Short title :- These rules may be called the Andhra Pradesh Panchayat Raj (appointment of Temporary Sarpanch in the absence of Sarpanch and the Upa-Sarpanch from the jurisdiction of the Gram Panchayat) Rules, 2023.

2. Definitions: - In these Rules, unless the context otherwise requires,-

(i) "Act" means the Andhra Pradesh Panchayat Raj Act,1994 (Act No. 13 of 1994);
(ii) "Section" means a Section of the Act; and
(iii) 'words' and 'expressions' used, but not defined in these rules shall have the meanings respectively assigned to them in the Act.

**P.T.O.**

## PART-II

**The absence of Sarpanch and the Upa- Sarpanch from the Jurisdiction of the Gram Panchayat :-**

(1) The Sarpanch shall reside in the village and visit the Gram Panchayat office regularly for the purpose of effective functioning of Gram Panchayat as per Section 25 of the Act.

(2) Whenever the Sarpanch intends to move away from the jurisdiction of Gram Panchayat for more than fifteen (15) days, he/she shall inform the same to the Gram Panchayat through Panchayat Secretary, who in turn shall communicate the same to all the members of Gram Panchayat. Whenever the Sarpanch intends to move away from Jurisdiction for more than fifteen (15) days, the Sarpanch shall delegate the powers and functions through an order to the Upa-Sarpanch from the date of his absence. Even if such delegation is not made, the powers shall devolve on the Upa- Sarpanch under section 26 of the Act from the date of absence of the Sarpanch.

(3) The onus to come back and assume office as Sarpanch, lies with the Sarpanch himself/herself in the absence of which he/she is liable for disqualification under Section 249-B for not attending the Gram Panchayat meetings as a member of Gram Panchayat; as per Section 20 (b) read with Section 7 of the Act or for not convening the Grama Sabha meetings under sub-section 3 of Section 6 of the Andhra Pradesh Panchayat Raj Act, 1994.

(4) The fact that the Sarpanch is away from the jurisdiction of the Gram Panchayat beyond fifteen (15) days in a stretch, shall be confirmed by the Panchayat Secretary and reported to the Grama Panchayat in each case. Whenever the Sarpanch enters the jurisdiction of the Gram Panchayat on return, the delegation or devolution of powers and functions so made shall automatically cease to exist.

(5) The responsibility to report the whereabouts of the Sarpanch lies with the Panchayat Secretary.

(6) All the conditions in rules 1 to 5 shall apply to the Upa-Sarpanch while discharging the duties of Sarpanch on delegation or devolution. As such the Upa-Sarpanch also must undergo a similar scrutiny, if the Upa-Sarpanch also claims that he/she is away from the jurisdiction of the Gram Panchayat.

(7) Whenever the Sarpanch or the Upa-Sarpanch as the case may be claims to have continuously absented from the jurisdiction of Gram Panchayat for more than fifteen (15) days, the District Collector should cause enquiry into the facts of the case and take necessary action under Section 249 of the Act in case it is found that the Sarpanch or Upa-Sarpanch falsely claimed their absence from the jurisdiction of Gram Panchayat and evaded their functions and duties entrusted to them under the Act.

## PART-III

**The incapacity condition of Sarpanch and Upa-Sarpanch**

(8) If the Sarpanch claims that he/she is incapacitated on medical grounds and unable to perform his/her functions and duties, he/she should produce a medical certificate to that effect issued by a Civil Assistant Surgeon to the Gram Panchayat.

*If the period of absence exceeds thirty (30) days, he/she shall produce medical certificate to the Gram Panchayat issued by Superintendent, Government General Hospital nearby.

* If the period of absence on medical grounds exceeds beyond three (3) months, the District Collector shall refer the case to the Medical Board for confirmation.

(9) The conditions mentioned in rule 8 shall also apply to Upa- Sarpanch while performing the functions of Sarpanch.

(10) In case both Sarpanch or Upa-Sarpanch claim incapacity on medical grounds simultaneously, or one after the other, resulting in a situation that both the Sarpanch and the Upa-sarpanch are not available to perform duties as Sarpanch, the District Collector shall refer both Sarpanch and the Upa-Sarpanch to the Medical board.

(11) When the Medical Board certifies that the Sarpanch or Upa- Sarpanch performing the duties of Sarpanch are not incapacitated but medically fit, the District Collector shall direct the Sarpanch or the Upa-Sarpanch as the case may be to assume the charge of Sarpanch, failing which the District Collector shall take necessary action under Section 249-B of the Act .

## PART-IV

## Appointment of Temporary Sarpanch

(12) The District Collector shall furnish necessary proposal to the Commissioner of Panchayat Raj for appointment of Temporary Sarpanch to the Gram Panchayat after due examination of the facts of the case duly examining the conditions namely (a) continuous absence of Sarpanch and or the Upa-Sarpanch from the jurisdiction of Gram Panchayat for more than fifteen (15) days (or) (b) duly assessing the incapacity condition of Sarpanch and or Upa-Sarpanch as prescribed in these rules (or) (c) when the Sarpanch or Upa- sarpanch are restrained by an order of a court from exercising the powers and performing the functions of the Sarpanch under sub- section 3 of section 26 of the Andhra Pradesh Panchayat Raj Act,1994.

(13) The District Collector shall cause to convene a meeting of Gram Panchayat under Section 37 read with Section 41 and the rules made there under to choose a member for appointment as Temporary Sarpanch by a resolution of Gram Panchayat. The Gram Panchayat while choosing a member for appointment of Temporary Sarpanch shall consider the names of the members from Gram Panchayat who belong to the reserved category for which the position of Sarpanch is reserved during the ordinary elections conducted to the Gram Panchayat. In case there is no such member belonging to the Reserved category of Sarpanch available, the Gram Panchayat may choose any one of the members for appointment as Temporary Sarpanch.

## PART V

## Powers of Commissioner

(14) The Commissioner of Panchayat Raj may from time to time, issue such orders and instructions as may be necessary for the purpose of explaining these rules, and to implement the provisions of the Act and the rules made there under properly. The Commissioner may examine the proposals of District Collector as to its correctness or legality and may pass such order/direction to the concerned as deemed fit and proper in the best interest of Gram Panchayat Administration.

4. The Commissioner, Panchayat Raj, Andhra Pradesh shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SHASHI BHUSHAN KUMAR**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Printing Stationery and Stores Purchase, A.P., Vijayawada (He is requested to publish and supply Fifty (50) copies of the notification to the Government).
The Commissioner of Panchayat Raj and Rural Development, A.P.,Tadepalli, Guntur District.
All District Collectors in the State.
All District Panchayat Officers in the State.
All CEOs of ZPP in the State.
Copy to:
The Law (F) Department.
The Chief Commissioner of Land Administration, A.P., Vijayawada.
The Revenue Department.
The OSD to Dy. Chief Minister (PR&RD).
The P.S. to Prl. Secy. (PR&RD).
SF/SCs(1978142)

//FORWARDED::BY ORDER//

**SECTION OFFICER**